UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
SRIRAMAN, NIKHIL

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 March 2010</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>25-48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>31 and 39</u> is/are allowed.

6)☐ Claim(s) <u>25-30,33-38 and 41-46</u> is/are rejected.

7)☒ Claim(s) <u>32,40,47 and 48</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

This is a final Office Action on the merits in response to communications filed by

Applicant on March 23, 2010. The amendment to the claims has been received and

entered. Thus, claims 25-48 are currently pending and are addressed below.

Allowable Subject Matter

1.   Claims 31 and 39 are allowable over the prior art of record. Claims 32, 40 and

47-48 are objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Response to Arguments

2.   Applicant's arguments filed on March 23, 2010 have been fully considered are

found in-part persuasive and in-part not persuasive. After summarizing the disposition

of and amendments to the claims, Applicant addresses (I) Claim Rejections Under 35

U.S.C. § 112, Second Paragraph and (III) Claim Rejections Under 35 U.S.C. § 103(a).

These will each be discussed below.

(I) <u>Claim Rejections Under 35 U.S.C. § 112, Second Paragraph</u>

The rejections under the second paragraph of 35 U.S.C. § 112 are overcome by

Applicant's amendments. Accordingly, these rejections are withdrawn.

(II) Claim Rejections Under 35 U.S.C. 103(a)

Claims 25, 27-30, 33, 35-38, 41 and 43-46 stand rejected as being unpatentable

over Haff et al. (2002/0184224 A1) in view of Gupta et al. (7,030,875 B2). Applicant

states on pages 19-20 of the most recently-submitted Remarks:

> First, *Haff* and *Gupta* do not teach or disclose, "receiving, from the robot
> apparatus an inquiry comprising a service request, prepared via interaction between the
> robot apparatus and a user," as recited in amended claim 33. The Examiner asserts
> that *Haff* teaches "receiving, from the robot apparatus an inquiry comprising a service
> request," and cites *Haff's* paragraph [0166] in support of this assertion. Office Action at
> page 5. Particularly, the Examiner analogizes the "inquiry" in the above element of claim
> 33 to the "index request" disclosed in *Haff*. *Id*. However, the "index request" in *Haff* is
> not analogous to Applicant's "inquiry" in the above-identified element of claim 33, at
> least because *Haff's* "index request" does not comprise "a service request, prepared via
> interaction between the robot apparatus and a user," as is required by amended claim
> 33. Moreover, in no portion of *Haff* is there a teaching or disclosure of anything
> analogous to Applicant's "inquiry" that comprises "a service request, prepared via
> interaction between the robot apparatus and a user." Additionally, *Gupta* fails to cure
> this deficiency of *Haff*, and indeed the Examiner does not assert that *Gupta* teaches the
> above-identified limitation of amended claim 33.

Examiner respectfully disagrees. Contrary to the excerpt from the Remarks

above, the previous Office Action, dated December 24, 2009, did not assert that "Haff

teaches "receiving, from the robot apparatus an inquiry comprising a service request.""

Rather, the previous Office Action states "receiving, from a requesting [sic] *PC*

apparatus an inquiry ([0166] via "index request") comprising a service request...

(emphasis added)." Haff et al. was never relied upon for any robotic features of the claimed invention.

Examiner's position is that the method recited by claim 33 is disclosed by Haff et al. with the exception that the receiving entity to which programs are provided is a computer and not a robot. Further, if the preamble of claim 33 is construed such that the claim requires the provided information to comprise motion data or programs with application control, Haff et al. does not specify the programs it transfers to be these specific type of programs. However, these are precisely the features for which Gupta et al. was relied upon.

Applicant's amendments specify "the service request" to be "prepared via interaction between the robot apparatus and a user." However, these amendments make the claim no less obvious since Haff et al. discloses performing these very functions except only with a PC rather than a robot apparatus. Haff et al. recites on paragraph [0166] that "a user function is provided to invoke *an index request sequence in* which a *user may select* a PC destination to which an index request will be sent (emphasis added)." Thus, Haff et al. discloses precisely the amended language except applied to requesting PC rather than a robot.

It is Examiner's position it would have been obvious to modify the method and apparatus applied to a requesting PC system as disclosed by Haff et al. and substitute the requesting PC for a robot apparatus – an entity that requires a computer to operate. It would have been further obvious to then take that method of transferring programs, and use it to transfer programs required by robots, e.g. motion data.

> Second, *Haff* and *Gupta* do not teach or disclose, "receiving a selection of data or programs from the list from the robot apparatus, wherein the selected data or programs are needed by the robot apparatus to comply with a request of a user," as recited in claim 33. The Examiner asserts that *Haff's* paragraph [0171] discloses "receiving a selection of data or programs from the list from the robot apparatus." Office Action at page 6. Particularly, the Examiner emphasizes the following disclosure in *Haff's* paragraph [0171]: "when a PC destination receives a request for one or more files in an index … a control module …copies and compresses the files contained in the received request, creates a packet file and passes the packet to the pending events file." *Id.* But even if, assuming *arguendo*, *Haff's* paragraph [0171] discloses "receiving a selection of data or programs from the list from the robot apparatus," and Applicant does not concede that it does, neither *Haff's* paragraph [0171], nor elsewhere in *Haff* is there any teaching or disclosure of "receiving a selection of data … wherein the selected data or programs are needed by the robot apparatus to comply with a request of a user," as is additionally required by Applicant's claim 33. Indeed, even the Examiner fails to assert that any portion of *Haff* teaches the above identified limitation. Again, *Gupta* fails to cure this deficiency of *Haff*, and indeed the Examiner does not assert that *Gupta* teaches the above-identified limitation of claim 33.

Again, Haff et al. discloses exactly the portion as recited by the claim, except as applied to a PC rather than a robot. The "request for one or more files in an index" is a selected program. Further, this request is made by a user and, therefore, the selected files are "needed to comply with a request of a user" as claimed. Indeed, paragraph [0179] explicitly states that "the user at any interconnected PC of the present invention may initiate a file or index request event by interacting with the control windows." Therefore, the only distinction in the cited claim language is the substitution of a PC for the robotic apparatus, which Examiner explains above to be an obvious substitution.

Accordingly, Applicant's arguments that the claim language is not disclosed by

cited combination in the previous Office Action is found unpersuasive. Further, claims

25 and 41, although different scope, contain elements similar to the quoted elements of

claim 33 and are also obvious under Haff et al. in view of Gupta et al. Therefore, the

rejections under 35 U.S.C. § 103(a) are maintained below.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 25, 27-30, 33, 35-38, 41 and 43-46 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Haff et al. (2002/0184224 A1) in view of Gupta et al.

(7,030,875 B2).

        Regarding claim 25, use of the apparatus for the method claims as disclosed

below for claims 33 reads on the apparatus of claim 25.

        Regarding claim 27, use of the apparatus for the method claims as disclosed

below for claims 35 reads on the apparatus of claim 27.

        Regarding claim 28, use of the apparatus for the method claims as disclosed

below for claims 36 reads on the apparatus of claim 28.

Regarding claim 29, use of the apparatus for the method claims as disclosed below for claims 37 reads on the apparatus of claim 29.

Regarding claim 30, use of the apparatus for the method claims as disclosed below for claims 38 reads on the apparatus of claim 30.

Regarding claim 33, Haff et al. discloses an information providing method for supplying data, stating the movements of a plurality of body units of a robot apparatus, or an application program, managing recognition and/or action control, to a PC apparatus, over a network ([0166]-[0186]); the method comprising:

receiving, from a requesting PC apparatus an inquiry ([0166] via "index request") comprising a service request, prepared via interaction between the requesting PC apparatus and a user ([0179] via "the user...may initiate a file or index request event by interacting with control windows..."), and the information of the requesting PC apparatus ([0166] via "identification, and the address of the requesting PC");

formulating a list of data or program ([0167] via "user may create one or more indexes of files stored on the PC's storage device") that may be provided to the PC apparatus based on services requested in the service request and the information of the requesting PC (Id. via "a index linked to a specific address...is the only index that will be transmitted to a requesting [] PC...");

returning information based on the list to the robot apparatus ([0166] via "returns the index linked to the requesting PC");

receiving a selection of data or programs from the list from the requesting PC ([0171] via "when a PC destination receives a request for one or more files in an

index...compresses the filed contained in the received request, creates a packet file. . . .."); and

transmitting the selected data or programs to the requesting PC apparatus ([0172] via "transmits the packet containing the compressed requested files").

Haff et al. fails to disclose the supplied data is motion data or that the requesting PC apparatus is a robot.

However, Gupta et al. discloses supplying motion data to a robot apparatus (Col. 7, lines 32-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to combine the file transfer process as disclosed by Haff et al. with robotic motion control as disclosed by Gupta et al. so that a robot could act without detailed instructions and fill in missing details as required for achieving certain tasks (Gupta et al., Col. 1, lines 1-24).

Regarding claim 35, Haff et al. further discloses supervising supplementary information pertinent to each data or program ([0166] via "index may then be linked to a specific destination address"); and

matching the inquiry and the supplementary information (Id via "checks the requesting PC's identification for authorization, and then returns the index linked to the requesting PC"),

wherein formulating of the list of the data or programs is based on matching of the inquiry and the supplementary information ([0167] via "an index linked to a specific

destination address. . . is the only index that will be transmitted to a requesting

destination PC having that specific destination address").

Regarding claim 36, Haff et al. further discloses returning, in response to the

selection from a list, an access method for accessing the selected data or programs to

the robot apparatus, wherein transmitting the selected data comprises transmitting the

data or the program in response to an access request, where the programs are only

accessible by complying with the access method from the robot apparatus ([0170]-

[0171] via "public key", "private key" and "one time key").

Haff fails to disclose program restricting access at the point of data transmission.

However, it is notoriously well known in the art that data access can be restricted

at the point of transmission or the point of receipt.

Therefore, it would have been obvious to modify Haff et al. that restricts access

at the point of receipt through encryption keys to instead do so at the point of receipt as

is notoriously well known in the art in order to choose an alternative means of securing

data.

Regarding claim 37, Haff et al. further discloses wherein the supplementary

information ([0167]-[0168] via specific destination address to which an index is linked)

comprises information pertinent to services (Id. via "index request") and the information

pertinent to information of the apparatus (Id. via "a requesting destination PC having

that specific destination address").

Haff et al. fails to disclose the PC apparatus is robot, but such combination would

have been obvious for the rationale as listed above with respect to 33.

Regarding claim 38, Haff et al. further discloses wherein the information

pertinent of the robot apparatus comprises at least one of the following information: an

ID of the requesting PC, wherein the ID is unique to the requesting PC; a requesting PC

ID, wherein the sort ID is unique to a type requesting PC; a list of functions of the

requesting PC; information indicating hardware architecture of the requesting PC; and a

database list owned by the requesting PC ([0166-0167] via "identification", "specific

destination", "user name").

Haff et al. fails to disclose the PC apparatus is robot, but such combination would

have been obvious for the rationale as listed above with respect to 33.

Regarding claim 41, use of the apparatus for the method claims as disclosed

above for claims 33 reads on the apparatus of claim 41.

Regarding claim 43, use of the apparatus for the method claims as disclosed

above for claims 35 reads on the apparatus of claim 43.

Regarding claim 44, use of the apparatus for the method claims as disclosed

above for claims 36 reads on the apparatus of claim 44.

Regarding claim 45, use of the apparatus for the method claims as disclosed

above for claims 37 reads on the apparatus of claim 45.

Regarding claim 46, use of the apparatus for the method claims as disclosed

above for claims 38 reads on the apparatus of claim 46.

5.   Claims 26, 34 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Haff et al. (2002/0184224 A1) in view of in view of Gupta et al. (7,030,875 B2),

and further in view of Senn (2004/0002790 A1).

Regarding claim 34, Haff et al. discloses remote communication with the PC

apparatus through various protocols ([0023]).

Haff et al. fails to disclose any of the protocols are SOAP (Simple Object Access

Control).

However, Senn discloses software in the field of robotics communications

([0042]) wherein information is distributed through SOAP ([0043]).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of invention to combine robotic wireless communication system as disclosed by

Haff et al. with the use of information transmission through SOAP as disclosed by Senn

in order to provide a more flexible communication means (Senn, [0043]).

Regarding claims 26 and 42, the use of the system for the method claims as

disclosed above for claim 34 respectively reads these system claims.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKHIL SRIRAMAN whose telephone number is (571)270-5797. The examiner can normally be reached on Monday through Friday, 7:30am-5:00pm, with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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